

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 4195 of 2005****For Approval and Signature:****HONOURABLE MR.JUSTICE M.S.SHAH****and****HONOURABLE MR.JUSTICE D.H.WAGHELA**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AHMEDABAD DISTRICT BAR ASSOCIATION THRO.PRESIDENT & 1 -**Petitioner(s)****Versus****HONOURABLE DISTRICT JUDGE OF AHMEDABAD (RURAL) COURT & 5 -****Respondent(s)**

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Appearance :

MR NV SOLANKI for Petitioner(s) : 1 - 2.

MR JB PARDIWALA for Respondent(s) : 1 - 3,5 - 6.

RULE NOT RECD BACK for Respondent(s) : 2,

GOVERNMENT PLEADER for Respondent(s) : 4,

RULE SERVED for Respondent(s) : 4,

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CORAM : HONOURABLE MR.JUSTICE M.S.SHAH**and****HONOURABLE MR.JUSTICE D.H.WAGHELA**

Date : 05/09/2005
ORAL JUDGMENT

(Per : HONOURABLE MR. JUSTICE M.S.SHAH)

This public interest litigation has been filed by the Ahmedabad District Bar Association making a grievance about the delay in disposal of civil as well as criminal cases filed against the builders in connection with the unfortunate events that took place on 26th January 2001 when a large number of houses collapsed resulting into loss of life and limb and also serious damage to the properties. The Association has also submitted that since the cases are distributed amongst different Courts, there is also a possibility of conflicting decisions.

2. In response to the notice, Mr Pardiwala, learned counsel appears for respondent Nos.1 to 3, 5 and 6 and states that -

- (i) All the Civil Suits and Sessions Cases pending in the Ahmedabad City Civil & Sessions Court, arising out of the events connected with the earthquake on 26th January 2001 shall be assigned to the same learned Judge in the Ahmedabad City Civil & Sessions Court, as may be decided by the learned Principal Judge, City Civil Court.
- (ii) Similarly, all the Civil suits in the Ahmedabad (Rural) District for the claims arising out of the events connected with the earthquake will be assigned by the learned District Judge to one learned Senior Civil Judge.
- (iii) All the Sessions Cases pending in the District Court, Ahmedabad (Rural) relating to earthquake events will similarly be assigned to one Additional Sessions Judge, to be nominated by the Principal Sessions Judge, District

Court, Ahmedabad (Rural).

- (iv) Similarly, the Court of the Chief Judicial Magistrate, Ahmedabad (Rural) will try all the criminal cases pertaining to the prosecutions in connection with the construction of houses which collapsed during the earthquake on 26th January 2001.
- (v) Similarly, all such criminal cases pending in the Metropolitan Magistrates' Courts at Ahmedabad will be assigned by the learned Chief Metropolitan Magistrate to the one learned Metropolitan Magistrate.

3. In view of the fact that the persons who have suffered loss of limb and families who have suffered loss of life and property are waiting for justice for the last about 4½ years, the Courts which are assigned such cases as are referred to hereinabove shall give top priority to all such cases and endeavour to try and decide the same as expeditiously as possible, and preferably by 31st March 2006.

4. In view of the above statements and directions, nothing further survives in the petition. The petition is accordingly disposed of.

Rule is made absolute to the aforesaid extent only.

(M.S. SHAH, J.) (D.H. WAGHELA, J.)

zgs/-